

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Woodensburg Land & Cattle Company, LLC – Legal Owner CBA-19-018
SGC Power, LLC – Lessee

DATE: March 3, 2020

BOARD/PANEL: Maureen E. Murphy, Panel Chair
Kendra Randall Jolivet
William A. McComas

RECORDED BY: Tammy A. Zahner, Legal Secretary

PURPOSE: To deliberate the following:

Motion for Limited Reconsideration/Clarification and Opposition thereto.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

DISCUSSION

- The Board first discussed the March 2, 2020 letter requesting a postponement of the public deliberation to allow time for the Citizen-Protestants to respond to the Petitioner's Reply. The Board denied the postponement request.
- The Board reviewed the history of the case. The Petitioner requested an A-Exemption for a minor commercial structure, which was denied by the Board. The Petitioner argues in its Motion that the Board should have made a ruling on a B-Exemption for a minor development not to exceed three lots.
- The Board noted that the Petitioner did not request a B-Exemption and there was no evidence presented as to a B-Exemption.
- The Board noted that the hearing before them was *de novo*. The Petitioner must present evidence to support their request, and the Board makes its decision based upon the evidence presented. Solar Facilities are not entitled to any specific exemption. PAI and this Board must each make independent determinations as to the exemption requested.
- The Board briefly discussed the Unreported Opinion of the Court of Special Appeals in the TTV Properties III, LLC case which was cited by Petitioner in its Reply. The Board denied the A-Exemption, but found the evidence sufficient to support the granting of a B-Exemption. The Court of Special Appeals affirmed the Board's ruling on the exemption.

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CONCLUSION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the Limited Motion for Reconsideration/Clarification.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,

_____/s_____
Tammy A. Zahner